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7 *Representing the United States*

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 GERALD A. DELEMUS,

14 Defendant.

2:16-CR-00046-GMN-PAL

**STIPULATION TO CONTINUE
DEADLINE FOR GOVERNMENT
TO RESPOND TO DEFENDANT'S
MOTION TO REHEAR OR
RECONSIDER MOTION TO
WITHDRAW GUILTY PLEA
OR IN THE ALTERNATIVE
MOTION TO APPOINT COUNSEL
TO PURSUE A PETITION UNDER
28 U.S.C.S. §2255 TO VACATE, SET
ASIDE, OR CORRECT SENTENCE
BY A PERSON IN FEDERAL
CUSTODY [ECF No. 3287]**

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20 IT IS HEREBY STIPULATED AND AGREED, by and between the United
21 States, by and through the undersigned, and Dustin Marcello, counsel for defendant
22 GERALD DELEMUS, that the government's deadline to file a response to
23 Defendant's Motion to Rehear or Reconsider Motion to Withdraw Guilty Plea or in
24 the Alternative Motion to Appoint Counsel to Pursue a Petition Under 28 U.S.C.

1 § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody
2 (ECF No. 3287), currently set on July 27, 2018, be continued for a period of thirty
3 (30) days.

4 This stipulation is entered for the following reasons:

5 1. Counsel for the United States has been and currently is out of the
6 district for several weeks. Consequently, additional time is needed for the United
7 States to adequately file its response to the Defendant's motion.

8 2. The parties agree to the continuance.

9 3. The Defendant is in custody but does not object to a continuance.

10 4. Additionally, denial of this request for continuance could result in a
11 miscarriage of justice.

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WHEREFORE, the parties respectfully request that the Court accept the Stipulation and enter an Order as set forth below, continuing the government's response deadline to the Defendant's Motion to Rehear or Reconsider Motion to Withdraw Guilty Plea or in the Alternative Motion to Appoint Counsel to Pursue a Petition Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody by a period of thirty (30) days.

DATED this 26th day of July, 2018.

Respectfully submitted,

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STEVEN W. MYHRE
Assistant United States Attorney
Counsel for the United States

DUSTIN MARCELLO
Counsel for Defendant

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 GERALD A. DELEMUS,

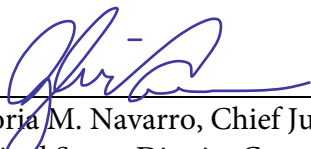
7 Defendant.

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ORDER ON STIPULATION

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9 This matter coming before the Court on Stipulation to Extend Time for the
10 Government to Respond to Defendant's Motion to Rehear or Reconsider Motion to
11 Withdraw Guilty Plea or in the Alternative Motion to Appoint Counsel to Pursue a
12 Petition Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a
13 Person in Federal Custody (ECF No. 3287), the Court having considered the matter,
14 and good cause showing, the Court accepts the Stipulation.

15 **WHEREFORE, IT IS HEREBY ORDERED** that the deadline for the
16 Government's response to Defendant's Motion to Withdraw Plea, currently set on
17 July 27, 2018, shall be continued to August 27, 2018.

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20 _____
21 Gloria M. Navarro, Chief Judge
22 United States District Court

21 IT IS SO ORDERED.

22 Entered: July 30, 2018
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